IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE V.V.S.RAO
WRIT PETITION NO : 10015 of 2002

Between:

Mr.Lingineni Ramakrishna S/o.Gopala Rao,
R/o.8-17-53, Balaji Nagar, Tenali
Guntur district

..... PETITIONER

AND

1 The District Level Committee for Sand Auctions, Rep. Chairman Guntur, Guntur District
2 The District Panchyat Officer-cum-Member Convenor, District Level Committee, Guntur, Guntur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction in the nature of mandamus declaring the proceedings in Roc.no.230/2001-G4(R-5) dt.1.6.2002 issued by the District Panchayat Office-cum-Member Convener of District Level Committee, Guntur, the second respondent, pursuant to the resolution passed by the District Level Committee, Guntur in canceling the lease deed Dt. 16.7.2001, forfeiting the security deposit and further directing the petitioner to stop quarrying operation and vacate the site in reach No.5 of Kolipara village from 17.8 Km to 34.2 Km. as arbitrary, illegal, violative of principles of Natural justice, contrary to Go.Ms.1 Industries & Commerce, Dt.1.1.2001, apart from being violative of the Constitutional Right guaranteed under Articles 300-A of the Constitution of India and consequently direct the second respondent to permit him to quarry sand in reach No. 5, Kollipara Village & Mandal, Guntur District of Krishna River from 17.8 Km to 34.2 Km till 17.07.2002.

Counsel for the Petitioner:MR.C.V.MOHAN REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.10015 OF 2002

ORDER:

The petitioner participated in the auction held on 26.2.2001 for issue of leasehold rights to quarry sand in reach No.5 of Krishna River. He became highest bidder and by proceedings dt.5.7.2001 the District Collector confirmed the lease for a period of one year. The lease deed was executed on 16.7.2001. However, by proceedings dt.1.6.2002 second respondent herein directed the petitioner not to carry on sand quarry operations from 1.6.2002. Assailing the same, petitioner filed the present Writ Petition seeking an order to set aside the impugned order and for a consequential direction to second respondent to permit the petitioner to carry out sand quarry operations till 15.7.2002.

This Court while admitting the Writ Petition passed interim orders observing that the petitioner shall be permitted to carry out the quarrying operations till 15.7.2002 as per the agreement dt.16.7.2001. In that view of the matter, the lease already having come to end on 16.7.2002, nothing survives in the Writ Petition.

The Writ Petition is accordingly dismissed as infructuous. No costs.

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(V.V.S.RAO, J)

8.9.2004
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To

1 The Chairman, the District Level Committee for Sand Auctions, Guntur, Guntur District
2 The District Panchyat Officer-cum-Member Convenor, District Level Committee, Guntur, Guntur District
3 2 CCs to G.P. for Panchayat Raj & Rural Development, High Court Buildings, Hyderabad (OUT)
4 2 CD copies.